

**MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK**

**FORMAL SESSION  
August 16, 2006**

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened in Formal Session at 9:00 a.m., August 16, 2006, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman, District 2, Fulton Brock, Vice Chairman, District 1; Andrew Kunasek, District 3; Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; Bruce White and Victoria Mangiapane, Deputy County Attorneys. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

**MINUTES**

Motion was made by Director Kunasek, seconded by Director Wilcox, and unanimously carried (5-0) to approve the minutes of the meeting held on April 5, 2006, April 19, 2006, May 3, 2006, May 15, 2006, and June 19, 2006.

**PERSONNEL AGENDA**

Motion was made by Director Kunasek, seconded by Director Wilcox, and unanimously carried (5-0) to approve the Flood Control District Personnel Agenda (Exhibit C). Exhibit C will be found at the end of this set of minutes.

**EASEMENTS AND RIGHT-OF-WAY ACQUISITION DOCUMENTS**

Motion was made by Director Kunasek, seconded by Director Wilcox, and unanimously carried (5-0) to approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. (ADM1910)

**Bullard Wash II [I - 10 Basins] (Per Resolution FCD 2000R016A)**

Item A004.001, 002, 003, 004, 005A, 005B [PDE]; Permanent Drainage Easement and Agreement for Flood Control Purposes from the Flood Control District of Maricopa County to the City of Litchfield Park for the sum of \$1.00 (Per IGA FCD 2003A011).

**83rd Avenue and Pinnacle Peak Road Project (Per Resolution FCD 2001R012)**

Item 201-15-006N, Letter Agreement for a Temporary Ingress and Egress Permit from William H. and Rita M. Holbrook to the Flood Control District of Maricopa County for the sum of \$100.00.

Item 201-15-028F, Letter Agreement for a Temporary Ingress and Egress Permit from Ronald J. and Karen S. Franciscotty to the Flood Control District of Maricopa County for the sum of \$100.00.

**McDowell Road Basin and Storm Drain (Per Resolution FCD 2002R008)**

Item FA028.003, Permanent Storm Drain Easement and Agreement for Flood Control Purposes from Gary M. Padden and Janice L. Padden for the sum of \$3,250.00.

Item FA028.003, Purchase Agreement and Escrow Instructions.

**MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK**

**FORMAL SESSION  
August 16, 2006**

Item FA028.005, Permanent Storm Drain Easement and Agreement for Flood Control Purposes from Walter W. McEarchern and Anna B. McEarchern for the sum of \$2,750.00.

Item FA028.005, Purchase Agreement and Escrow Instructions.

**McDowell Road Basin and Storm Drain (Per Resolution FCD 2002R008)**

Item FA028.009, Permanent Storm Drain Easement and Agreement for Flood Control Purposes from Jill A. Moen to the Flood Control District of Maricopa County for the sum of \$1,250.00.

Item FA028.009, Purchase Agreement and Escrow Instructions.

**26TH AVENUE & VERDE LANE DETENTION BASIN AND STORM DRAIN PROJECT**

Motion was made by Director Kunasek, seconded by Director Wilcox, and unanimously carried (5-0) to approve intergovernmental agreement Amendment No. 1 FCD 2004A003A between the Flood Control District of Maricopa County and the City of Phoenix, for cost-sharing, design, rights-of-way acquisition, utility relocation, construction, construction management, and operation and maintenance for the 26th Avenue & Verde Lane Detention Basin and Storm Drain Project 620. This amendment authorizes an increase in the total project estimated cost to be shared equally between the district and the city. The amendment authorizes a total estimated project cost increase of \$1,500,000, of which \$750,000 is the district's estimated cost share, and includes funding in the current and future five-year Capital Improvement Programs, subject to approval of the Board of Directors. (C6905001201)

**EL RIO EDUCATIONAL RESEARCH AND DEVELOPMENT PROJECT**

Motion was made by Director Kunasek, seconded by Director Wilcox, and unanimously carried (5-0) to approve Agreement Amendment No. FCD 2004G001A to Agreement No. FCD 2004G001 (Federal Cooperative Agreement #05FC320380) between the Flood Control District of Maricopa County and the U.S. Department of Interior Bureau of Reclamation which identifies the district's and reclamation's roles and responsibilities for the El Rio Educational Research and Development Project. The modification reflects an increase of reclamation's direct project contribution from \$83,670 to \$167,326. (C6905132301)

**SETTLEMENT WITH AMEC EARTH & ENVIRONMENTAL INC.**

Motion was made by Director Kunasek, seconded by Director Wilcox, and unanimously carried (5-0) to approve a settlement between the Flood Control District of Maricopa County and AMEC Earth & Environmental Inc., in the amount of \$310,713.14. The purpose of this agreement is to settle all claims, liabilities, demands, damages, expenses, injuries, causes of action and/or allegations between the parties arising out of the facts and circumstances of the imbalance of material and resulting extra construction work required to remedy the cut and fill quantities on construction Contract FCD 2004C010 for the McMicken Dam Fissure Risk Zone Remediation project. This item was discussed in Executive Session on July 10, 2006. (C6906089100) (ADM1900-004)

**DURANGO REGIONAL CONVEYANCE CHANNEL**

Motion was made by Director Kunasek, seconded by Director Wilcox, and unanimously carried (5-0) to adopt Resolution FCD 2006R020, Durango Regional Conveyance Channel - Avondale Project. The resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of

**FORMAL SESSION  
August 16, 2006**

Maricopa County to develop and negotiate intergovernmental agreements with the City of Avondale for the cost sharing, design, construction, construction management, rights-of-way acquisition, operation and maintenance; authorization to perform designs; authorization for rights-of-way acquisition, and program funding for the project. (C6907004600) (ADM1900)

**RESOLUTION FCD 2006R020  
Durango Regional Conveyance Channel - Avondale**

**WHEREAS**, Arizona Revised Statutes Title 48, Chapter 21 requires the Board of Directors of the Flood Control District of Maricopa County (District) to identify flood problems and plan for the construction of facilities to eliminate or minimize flooding problems within Maricopa County; and,

**WHEREAS**, the District has completed the Durango Area Drainage Master Plan (ADMP), a regional drainage master plan, to identify and mitigate existing and future drainage and flooding problems in the western metropolitan area bounded by the Agua Fria River, I-10, the Gila River and approximately 35<sup>th</sup> Avenue; and,

**WHEREAS**, the ADMP recommended a preferred regional solution to the identified flooding problems associated with a portion of the watershed that includes a series of channel(s) and basin(s) from an area south of Broadway Road at 107<sup>th</sup> Avenue and outfalling into the Agua Fria River, as shown on Exhibit A, attached hereto and made a part hereof; and,

**WHEREAS**, the area continues to rapidly urbanize and the regional drainage and flooding problems in the area have not been comprehensively addressed; and,

**WHEREAS**, the City of Avondale requested in the FY 2003/2004 CIP Prioritization Procedure that the District cost share in the Durango Regional Conveyance Channel - Avondale (DRCC-Avondale) to mitigate a portion of the drainage problems identified in the ADMP; and,

**WHEREAS**, the DRCC-Avondale is herein defined as the channel(s) and basin(s) system as generally shown on Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Flood Control District of Maricopa County (Board) authorizes and directs the Chief Engineer and General Manager of the District to negotiate and prepare intergovernmental agreements and/or agreements with the City of Avondale, other municipalities, agencies and others, as appropriate, for cost sharing, rights-of-way acquisition, design, construction, construction management and future operation and maintenance including appropriate District participation in landscape and multi-use improvements for the DRCC-Avondale, subject to the ratification and approval of this Board; and,

**BE IT FURTHER RESOLVED** that the Chief Engineer and General Manager of the District is hereby authorized and directed to negotiate with landowners and/or appropriate agencies to obtain the necessary Rights-of-Entry, Property and/or Easements and all other necessary land rights and is authorized and directed to hire, retain or otherwise utilize the professional services of the County Attorney's office or private counsel to initiate and prosecute actions and proceedings in the manner required by law to condemn any and all Rights-of-Entry, Property, and/or Easements required for the implementation of the DRCC-Avondale, which cannot be obtained by donation or purchase in the following locations:

T1N, R1E, Sections 19 and 20;

**MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK**

**FORMAL SESSION  
August 16, 2006**

T1N, R1W, Sections 23,24,25,26 and 27;

Subject to the ratification and approval of this Board; and,

**BE IT FURTHER RESOLVED** that the Chief Engineer and General Manager of the District is authorized and directed to include funds in the District's current and future Five-Year Capital Improvement Program (CIP) for the DRCC-Avondale, subject to the District's funding availability and subsequent approvals by this Board of future Five-Year CIP; and,

**BE IT FURTHER RESOLVED** that the Chief Engineer and General Manager of the District is authorized and directed to advertise, select, negotiate and award contracts for engineering services for implementation of the DRCC-Avondale, subject to the ratification and approval of this Board. (C6907004600)

**DATED** this 16<sup>th</sup> day of August 2006.

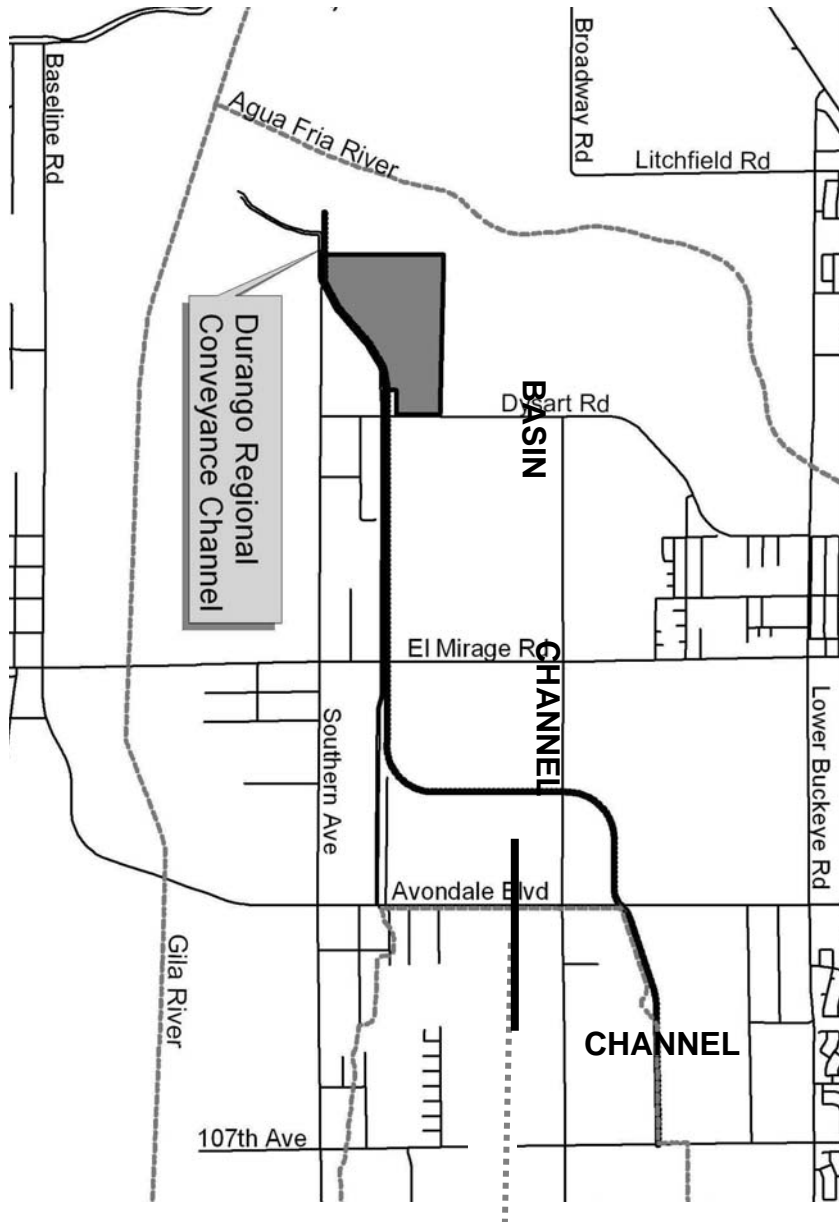
/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**EXHIBIT A: - Durango Regional Conveyance Channel – Avondale**

FORMAL SESSION  
August 16, 2006



**FLOODPRONE PROPERTIES ACQUISITION PROGRAM**

Motion was made by Director Kunasek, seconded by Director Wilcox, and unanimously carried (5-0) to adopt Resolution FCD 2006R009, Floodprone Properties Acquisition Program FY 2006-07 Acquisition. The resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of Maricopa County to obtain all necessary information for the purpose of initiating negotiations to acquire floodprone properties in accordance with the Floodprone Properties Acquisition Program. The acquisitions will be based on voluntary acceptance of the offers by the applicants, which will be made according to ratings following the prioritization procedure previously approved by the Flood Control

**FORMAL SESSION  
August 16, 2006**

Acquisition Board (FCAB) and Board of Directors, and within the available budget currently established at \$3,800,000. (C6907005600) (ADM1900)

**RESOLUTION FCD 2006R009**

**FLOODPRONE PROPERTIES ACQUISITION PROGRAM  
FY 2006-2007 ACQUISITION**

**WHEREAS**, The Board of Directors of the Flood Control District of Maricopa County (Board) approved Resolution FCD 95-01A on July 30, 2003 (C-69-03-084-6-00), recorded with the Maricopa County Recorder's Office on August 5, 2003, which authorizes the Flood Control District of Maricopa County (District) to amend the Alternative Flood Control Works Program as adopted in Resolution FCD 95-01, and authorizes the Chief Engineer and General Manager to utilize the Floodprone Properties Acquisition Program (FPAP) in place of the Alternative Flood Control Works Program; and,

**WHEREAS**, The Chief Engineer and General Manager by Resolution FCD 95-01A is also authorized to negotiate and prepare intergovernmental agreements with local jurisdictions for property acquisition under the FPAP; to update and revise the FPAP as required and present any proposed revisions to the Board of Directors for review and approval; and to include funds in the District's current and future five-year CIP Budgets for property acquisition under the FPAP, subject to prioritization by the District and subsequent approvals by the Board of Directors; and,

**WHEREAS**, the Strategic Plan for Maricopa County affirms the County's responsibility to protect its residents' health, safety and welfare; and,

**WHEREAS**, Arizona Revised Statutes Section 48-3616 directs the District to survey flood problems and plan for and implement flood hazard mitigation programs; and,

**WHEREAS**, Arizona Revised Statutes Section 48-3603 grants authority to the Board of Directors of the District to acquire real and personal property within the boundaries of the District for the benefit of the District; and,

**WHEREAS**, on September 18, 2002, the Board of Director's adopted the District's Comprehensive Plan 2002, Flood Control Program Report identifying the Floodprone Properties Acquisition Program as a component of the District's Action Plan which details activities to protect properties from flooding.

**NOW, THEREFORE, BE IT RESOLVED** that the Board authorizes and directs the Chief Engineer and General Manager of the District to obtain all necessary information for the purpose of initiating negotiations to acquire floodprone properties as listed on Exhibit "A" in accordance with the Floodprone Properties Acquisition Program; and,

**BE IT FURTHER RESOLVED** that the acquisitions will be based on the applicant's voluntary acceptance of the offers, which will be made according to eligibility and ranking following the prioritization procedure previously approved by the Flood Control Advisory Board and Board of Directors, and within the available remaining funds in the FY 2006-2007 CIP Budget amount of \$ 3.2 million; and,

**BE IT FURTHER RESOLVED** that the Chief Engineer and General Manager is authorized and directed to periodically update Exhibit "A" during FY 2006-2007, by adding eligible floodprone properties, as defined in FPAP, and deleting properties whose owners have declined acquisition or are later determined ineligible. The Chief Engineer and General Manager is authorized to acquire additional properties within

**MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK**

**FORMAL SESSION  
August 16, 2006**

the approved budget amount. Additional property acquisitions requiring additional FY 2006-2007 funding must be approved by this Board. (C690700005600)

**DATED** this 16<sup>th</sup> day of August 2006.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Exhibit "A" – FY 2006-07 Floodprone Properties Eligible Applicants

<b>Maricopa County Assessor's Parcel No.</b>	<b>Location</b>	<b>Supervisor District</b>
103-35-048	Phoenix	5
103-37-102	Phoenix	5
107-30-052	Phoenix	5
109-63-023	Phoenix	5
110-55-041	Phoenix	5
111-07-016	Phoenix	5
119-23-157	Phoenix	3
121-07-132	Phoenix	5
121-07-133	Phoenix	5
155-37-089	Phoenix	3
155-51-065	Phoenix	3
211-28-255	Carefree	2
212-08-079	Scottsdale	2
302-63-002B	Chandler	1
501-13-074	Maricopa County	4
503-90-312	Maricopa County	4
503-90-313	Maricopa County	4
506-05-064	Maricopa County	4
506-47-153	Maricopa County	4

**CAPITAL IMPROVEMENTS PROGRAM**

Motion was made by Director Kunasek, seconded by Director Wilcox, and unanimously carried (5-0) to approve adjustments to the current FY 2006-07 Capital Improvements Program (CIP) expenditure budget of the Flood Control District of Maricopa County, Department (690), Fund (990). The requested adjustments are the result of changes in the land acquisition and construction schedules of several of the district's major capital projects. The adjustments have been planned to achieve maximum utilization of the district's resources in furtherance of the capital program. The requested adjustments are as follows:

<b>Project No.</b>	<b>Description</b>	<b>Budget Adjustment</b>
035	Town of Guadalupe	\$1,000
117	South Phoenix Drainage Improvement	(\$1,326,000)
120	PVSP (Paradise Valley, Scottsdale, Phoenix)	\$69,000

**MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK**

**FORMAL SESSION  
August 16, 2006**

<b>Project No.</b>	<b>Description</b>	<b>Budget Adjustment</b>
121	EMF (East Maricopa Floodway)	(\$42,000)
126	Salt/Gila	\$10,000
130	Salt River Upstream of Indian Bend Wash	\$5,000
202	McMicken Dam	(\$61,000)
211	Buckeye/Sun Valley	\$5,000
300	Spook Hill FRS & Outlet	(\$15,000)
343	Wickenburg	\$1,508,000
344	Wittmann	\$365,000
345	Aguila	\$260,000
346	Hassayampa River	\$185,000
350	Cave Buttes Dam	\$110,000
362	Skunk Creek Channelization	\$1,010,000
371	Upper New River	\$96,000
400	Skunk Creek & New River	(\$28,000)
401	Agua Fria River	\$11,000
420	Spook Hill Watershed	(\$1,535,000)
442	East Mesa	(\$197,000)
450	Glendale/Peoria	(\$3,872,000)
470	White Tanks	\$5,496,000
480	Queen Creek	(\$216,000)
490	Gilbert/Chandler	\$165,000
491	Higley	\$13,000
520	Adobe Dam	\$163,000
565	Durango	\$395,000
580	ACDC	\$46,000
590	Scatter Wash	\$673,000
620	Maryvale	(\$815,000)
625	Metro	\$1,661,000
680	Upper Indian Bend Wash	\$115,000
690	Cave Creek/Carefree	\$535,000
	Non-proj. Floodprone Prop.Acquisition Program	\$3,800,000)
	Reserve	(\$990,000)

The net requested budget adjustment is zero. (C6907008800) (ADM1900-003)

**CAVE BUTTES DAM ACQUISITION OF REAL PROPERTY**

Motion was made by Director Kunasek, seconded by Director Wilcox, and unanimously carried (5-0) to adopt Resolution FCD 2006R010, Cave Buttes Dam Acquisition of Real Property. The resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of Maricopa County to take all necessary action to acquire property due to the close proximity to the dam. Estimated cost is \$100,000. (C6907007600) (ADM1900)

**UPPER NEW RIVER AREA DRAINAGE MASTER PLAN**

Motion was made by Director Kunasek, seconded by Director Wilcox, and unanimously carried (5-0) to award Contract FCD 2005C020 to Stantec Consulting, Inc., to provide engineering services, surveying, geomorphic and sedimentation engineering, development of hydrology, hydraulics, floodplain



**MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK**

**FORMAL SESSION  
August 16, 2006**

delineations, alternative analysis and final drainage plan for the Upper New River Area Drainage Master Plan (ADMP). This contract will be conducted in two phases. The total contract amount shall not exceed \$1,783,227.26, which includes \$185,252.19, in optional tasks for additional technical analysis, meetings, and surveying. Each phase will have a notice-to-proceed issued. The performance period for Phase I is 330 calendar days, following the notice-to-proceed. The performance period for Phase II is 300 calendar days, following the notice-to-proceed for a total contract performance period of 630 calendar days. (C6907009500)

**EXCESS PARCELS**

Motion was made by Director Kunasek, seconded by Director Wilcox, and unanimously carried (5-0) to authorize the Flood Control District of Maricopa County to sell excess parcels. The District will use its Disposition Program, continuing to evaluate and analyze the best potential of leasing or sales of all real property based on prevailing market conditions. The sale price will be fair market value, to be determined by a certified licensed appraiser, either at the start point of an oral auction, or, in the event of a sale to a municipality, at fair market value without an auction. If an auction takes place, district staff will sell the parcel in compliance with A.R.S. §9-402, which mandates that an invitation for bid be published for the sale of all real property.

- a. Parcel R-28-EX beginning in FY 2006-07. This parcel is located in Peoria, north of Northern Avenue and east of and adjacent to the New River Channel, totaling 11,914 square feet, or 0.27 +/- acres. (C6907010B00) (ADM1903-002)
- b. Parcel R-17-2E-EX beginning in FY 2006-07. This parcel is located in Peoria, south of Bell Road and east of 75th Avenue at the confluence of Skunk Creek and the Arizona Canal Diversion Channel, totaling 2.5 +/- acres. (C6907011B00) (ADM1903-002)

**SALT RIVER CHANNEL EASEMENT, OPERATIONS AND MAINTENANCE**

Motion was made by Director Kunasek, seconded by Director Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 (FCD 93004A) to the Intergovernmental Agreement (IGA) approved between the Flood Control District and the City of Tempe to revise and redefine the responsibilities of the district and the city for the operation and maintenance of the Salt River Channel. The original IGA was approved December 8, 1993 (C941159) and recorded under 94-0629328. (C6994115201)

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

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Don Stapley, Chairman of the Board

ATTEST:

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Fran McCarroll, Clerk of the Board